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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/813,948
Filing Date: March 31, 2004
Appellant(s): KUETHER ET AL.

Todd N. Snyder
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 22 October 2008 appealing from the Office action mailed 22 May 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,207,056	Wagner et al.	4-2007
6,374,406	Hirata	4-2002
2004/0103434	Ellis	5-2004
2003/0009766	Marolda	1-2003
2005/0050577	Westbrook et al.	3-2005
2004/0083492	Goode et al.	4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

3.   Claim 4 recites the limitation "the IRD" in line 4. There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-4, 9-11, 18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wagner et al. "Wagner" (USPN 7,207,056) [of record] in view of

Hirata (USPN 6,374,406) and further in view of Ellis (US Pub. No. 2004/0103434).

        Regarding Claim 1, Wagner discloses a method of downloading a remote record

request (i.e., task) to control a recording device (100 – figure 2), comprising:

        a subscriber using a subscriber input device (access device 218 – figure 2) to

access a programming guide (223 – figure 2 via website 216), select a program (225 –

figure 2) and submit a remote record request (220 – figure 2) including a program code

and subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62

to Col. 8, line 13);

        send the remote record request to a broadcast center (200 – figure 2) (Col. 8,

lines 32-40; Col. 9, lines 1-4; and Col. 10, lines 63-65);

        inserting the remote record request into a broadcast stream (Col. 8, lines 32-40);

        transmitting the broadcast stream (Col. 8, lines 37-40);

        downloading the remote record request at a subscriber site (Col. 8, lines 41-53

and Col. 9, lines 26-62);

determining whether the remote record request is directed to the subscriber site by comparing the subscriber ID to a subscriber site ID, and, if confirmed (Col. 7, line 62 to Col. 8, line 16 and Col. 9, lines 26-30);

validating the request to determine whether the selected program can be recorded (Col. 10, lines 12-19); and

if confirmed, and validated, tagging the program code for recording on the recording device (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the created task before transmitting the task to the set top box (Col. 7, lines 47-52). However, Wagner is silent on disclosing sending a verification response from the subscriber site to the subscriber's input device and displaying a conflict message to prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a method of downloading a remote record request to control a recording device (1-1 – figure 1), comprising:

a subscriber using a subscriber input device (1-4 – figure 1) to select a program and submit a remote record request (Col. 5, lines 10-18);

downloading the remote record request at a subscriber site (Col. 6, lines 18-20);

validating the request to determine whether the selected program can be recorded (Col. 6, lines 40-55);

sending a verification response (figure 6) from the subscriber site [1-1] to the subscriber's input device [1-4] (Col. 6, lines 51-55), said verification response comprising either a positive verification response (figure 7) or a negative verification

response (figure 6) if not validated to reject the remote record request and display a conflict message (Col. 6, line 40 to Col. 7, line 10 and Col. 7, lines 54-66);

if rejected, the subscriber using the subscriber input device to view the conflict message (Col. 7, lines 3-5); and

if confirmed and validated, tagging the program code for recording on the recording device (Col. 9, lines 18-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner to include sending a verification response from the subscriber site to the subscriber's input device, said verification response comprising either a positive verification response or a negative verification response if not validated to reject the remote record request and display a conflict message as taught by Hirata for the benefit of providing a user with confirmation and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict, particularly Hirata notifies a user when a submitted recording requests conflicts with another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a user must submit an email to cancel a reservation before scheduling the new recording reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override

message to the broadcast center as taught by Ellis for the benefit of providing the user

with options in order to help facilitate managing the recording conflict.

As for Claim 2, the combination of Wagner, Hirata, and Ellis disclose, in particular

Wagner teaches inserting the remote record request into a MPT packet; and inserting

the MPT packing into a transport packet in the broadcast stream (Col. 5, lines 10-22).

As for Claim 3, the combination of Wagner, Hirata, and Ellis disclose, wherein the

conflict message provides at least one reason the remote record request was rejected

(Hirata – figure 6, reason request was rejected "It is impossible to reserve because

reservation data transmitted listed above overlaps partially on date of reservation 1";

Col. 6, line 40 to Col. 7, line 2) and at least one subscriber selectable option (Ellis –

option 320 as shown in figure 25) to override the conflict (Ellis – ¶ 0160-0164).

As for Claim 4, the combination of Wagner, Hirata, and Ellis disclose, in particular

Ellis teaches wherein the at least one reason include a programming conflict (i.e.,

Majestic conflicts with the following: Seinfeld recording) and the at least one subscriber

selectable option (320 – figure 25) includes overriding the programming conflict (¶ 0160-

0164).

As for Claim 9, the combination of Wagner, Hirata, and Ellis disclose, in particular Ellis teaches in response to receipt of the override message at the subscriber site, further comprising:

removing the tag from the conflicting program (¶ 00163); and

tagging the program code of the current selection for recording on the recording device (¶ 0160 and 0181).

As for Claim 10, the combination of Wagner, Hirata, and Ellis disclose, in particular Wagner teaches wherein the input device [218] accesses a remotely maintained program guide [216] in near real-time over a network (i.e., the Internet) (Col. 6, lines 43-49).

As for Claim 11, the combination of Wagner, Hirata, and Ellis fail to specifically disclose wherein the program guide is downloaded off-line and stored in the input device.

The examiner gives Official Notice that it is notoriously well known in the art to download and store data from the Internet off-line for the purposes of using the data at a later time when Internet access may not be available. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include wherein the program guide is downloaded off-line and stored in the input device for the benefit of providing the user with access to data at a later time.

Regarding Claim 18, Wagner discloses a satellite broadcast network (figure 2) comprising:

a subscriber input device (access device 218 – figure 2) for accessing an interactive programming guide (223 – figure 2 via website 216) for subscriber selection of a program (225 – figure 2), said input device transmitting the remote record request (220 – figure 2) including a program code and subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62 to Col. 8, line 13);

a satellite broadcast center (SBC) (200,210,216 - figure 2) configured to receive the remote record request validate and insert the request into a broadcast stream for transmission via satellite (160 – figure 2) (Col. 7, lines 13-46 and Col. 7, line 62 to Col. 8, line 40);

a plurality of subscriber sites (i.e., subscriber's homes) each having antenna, an integrated receiver decoder (IRD) (100 – figure 2) and a recording device (110 – figure 2), said IRD configured to decode the request from the broadcast stream (Col. 9, lines 24-51), compare the subscriber ID to a stored ID, determine whether the selected program can be recorded (Col. 7, line 62 to Col. 8, line 16 and Col. 9, lines 26-30) and, if valid, tag the program code for recording on the recording device (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the created task before transmitting the task to the set top box (Col. 7, lines 47-52). However, Wagner is silent on disclosing a back channel for sending a verification

response from the subscriber site to the subscriber's input device and displaying a

conflict message to prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a back channel (Internet 4 – figure 1)

outside the satellite network connecting the subscriber IRD (1-1 – figure 1) to the

subscriber input device (1-4 – figure 1), said IRD [1-1] sending a verification response

(figures 6 and 7) via the back channel to the input device [1-4], said verification

response comprising either a positive verification response (figure 7) if validated to

affirm receipt and execution of the remote record request (Col. 7, line 54 to Col. 8, line

4) or a negative verification response (figure 6) if not validated to reject the remote

record request (Col. 6, line 40 to Col. 7, line 2).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include a back channel

outside the satellite network connecting the subscriber IRD to the subscriber input

device, said IRD sending a verification response via the back channel to the input

device, said verification response comprising either a positive verification response if

validated to affirm receipt and execution of the remote record request or a negative

verification response if not validated to reject the remote record request as taught by

Hirata for the benefit of providing a user with confirmation and status of a submitted

remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to

specifically disclose displaying a conflict message to prompt the subscriber to override

any conflicts that gave rise to the rejection.

In an analogous art, Ellis discloses a method of notifying a user of a recording

conflict and presenting the user with display screens and selectable options to resolve

the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the

recording request cannot be validated and displaying a conflict message to prompt the

subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an

override message by selecting one of the options presented on the display (¶ 0160-

0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code

for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel

the conflicting program, the new reservation will be recorded as planned by the

recording device.

Ellis discloses it is advantageous to provide a user with a means to view a

programming conflict message and select an option that will automatically resolve the

conflict. This method facilitates allowing the user to complete the reservation for

recording, without forcing the user to take the time to figure out which program is

causing the conflict and then cancel the conflicting recording in order to allow the

recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the method of Wagner and Hirata to include displaying a conflict

message to prompt the subscriber to override any conflicts and submitting an override

message to the broadcast center as taught by Ellis for the benefit of providing the user

with options in order to help facilitate managing the recording conflict.

As for Claim 20, the combination of Wagner, Hirata and Ellis disclose wherein the

IRD is configured to receive an override message from the subscriber input device to

override any conflicts that prompted the negative verification response, resolve the

conflicts and tag the program for recording on the recording device (Ellis – ¶ 0146-0148

and 0160-0164).

6.   Claims 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wagner in view of Hirata and further in view of Ellis as applied to claim 1 above,

and further in view of Marolda (US Pub. No. 2003/0009766).

As for Claim 5, the combination of Wagner, Hirata, and Ellis fail to specifically

disclose the method of claim 1, further comprising: validating a portion of the remote

record request at the satellite broadcast center, and validating another portion of the

remote record request at the subscriber site.

In an analogous art, Marolda teaches validating a portion of the remote record

request (298) at the satellite broadcast center (210) (¶ 0015 and 0037-0041), and

validating another portion of the remote record request (258) at the subscriber site (¶ 0024-0025 and 0043-0045). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include validating a portion of the remote record request at the satellite broadcast center, and validating another portion of the remote record request at the subscriber site as taught by Marolda for the benefit of verifying the validity of the recording at the broadcast center before transmitting the record request to the subscriber site.

As for Claim 7, the combination of Wagner, Hirata, Ellis, and Marolda disclose, in particular Marolda teaches validating at least one of the following at the broadcast center [210]:

validating that the selected program does not exceed a billing limit (i.e., service provider 210 verifies that the subscriber has paid for the recorded content by checking to see if the user is on the buddy list) (¶ 0051-0054).

As for Claim 8, the combination of Wagner, Hirata, Ellis, and Marolda disclose, if either portion of the remote record request is not validated (i.e., subscriber site rejects request due to conflict), sending a negative verification response (Hirata – figure 6) that rejects the remote record request (Col. 6, line 40 to Col. 7, line 2) and prompts (Ellis – figure 25) the subscriber to override any conflicts that gave rise to the rejection from the broadcast center and subscriber site, respectively (Ellis - ¶ 0146-0148 and 0160-0164).

7.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner

in view of Hirata, further in view of Ellis and further in view of Marolda as applied to

claim 5 above, and further in view of Goode et al. "Goode" (US Pub. No.

2004/0083492).

As for Claim 6, the combination of Wagner, Hirata, Ellis, and Marolda disclose

wherein

if either a programming conflict or the recording device's ability to record are not

validated (Hirata - S21 – figure 5 – Col. 6, line 40 to Col. 7, line 2), the subscriber site

[1-1] sends a negative verification response (figure 6) to the subscriber [1-4] rejecting

the request (Hirata – Col. 6, lines 40 to Col. 7, line 2) and prompting the subscriber to

override (Ellis – figure 25 – ¶ 0146-148 and 0160-0164); and

if the request is validated at both the broadcast center and the subscriber site,

the subscriber site [1-1] sends a positive verification response (figure 7) to the

subscriber verifying execution of the request (Hirata – Col. 7, line 54 to Col. 8, line 4).

Wagner discloses a user must register with task service 210 or website 216 in

order to remotely schedule tasks (Col. 6, lines 4-16) and must log on to task service 210

in order to remotely schedule tasks (Col. 10, lines 20-28). However, the combination

Wagner, Hirata, Ellis, and Marolda fail to specifically disclose if either the subscriber ID

or whether the request is included in a service package are not validated, the satellite

broadcast center sends a negative verification response to the subscriber rejecting the

request and prompting the subscriber to sign up for the required service package.

In an analogous art, Goode discloses if either the subscriber ID or whether the request is included in a service package are not validated (i.e., system determines subscriber does not have a subscription for the selected service; ¶ 0046), the satellite broadcast center sends a negative verification response to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package (¶ 0051-0052). Goode discloses it is advantageous to a service provider to prompt a user to sign up for a service or subscription if the user is not validated for the service or the subscription, then the user is presented with an opportunity to purchase the requested subscription service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wagner, Hirata, Ellis, and Marolda to include if either the subscriber ID or whether the request is included in a service package are not validated, the satellite broadcast center sends a negative verification response to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package as taught by Goode to yield the predictable result of prompting a user to sign up for a service or subscription if the user is not currently signed up.

8.   Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Hirata and further in view of Ellis and further in view Westbrook et al. "Westbrook" (US Pub. No. 2005/0050577).

Regarding Claim 12, Wagner discloses a method of downloading a remote record request (i.e., task) to control a recording device (100 – figure 2), comprising:

using a subscriber input device (access device 218 – figure 2) to access a

programming guide (223 – figure 2 via website 216), select a program (225 – figure 2)

and submit a remote record request (220 – figure 2) including a program code and a

subscriber ID (Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62 to

Col. 8, line 13);

broadcasting the remote record request via a satellite (160 – figure 2) (Col. 8,

lines 32-40),

downloading the remote record request at a subscriber site (Col. 8, lines 41-53

and Col. 9, lines 26-62);

validating whether the remote record request is directed to the subscriber site by

comparing the subscriber ID to a subscriber site ID, and, if confirmed (Col. 7, line 62 to

Col. 8, line 16 and Col. 9, lines 26-30), and

if confirmed, and validated, tagging the program code for recording on the

recording device (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing sending a verification response from the

subscriber site to the subscriber's input device and displaying a conflict message to

prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a method of downloading a remote record

request to control a recording device (1-1 – figure 1), comprising:

a subscriber using a subscriber input device (1-4 – figure 1) to select a program
and submit a remote record request (Col. 5, lines 10-18);

downloading the remote record request at a subscriber site (Col. 6, lines 18-20);

validating that the remote record request does not conflict with a previous record
request (s21 – figure 6) (Col. 6, lines 40-55);

if validated, tagging the program code for recording on the recording device and
sending a positive validation response (figure 7) to the subscriber input device [1-4]
(Col. 9, lines 18-30), and

if not validated, sending a negative verification response (figure 6) to the
subscriber input device [1-4] that rejects the remote record request and displays a
conflict message (Col. 6, line 40 to Col. 7, line 10 and Col. 7, lines 54-66).

Accordingly, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify the method of Wagner to include sending a
verification response from the subscriber site to the subscriber's input device, said
verification response comprising either a positive verification response or a negative
verification response if not validated to reject the remote record request and display a
conflict message as taught by Hirata for the benefit of providing a user with confirmation
and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,
particularly Hirata notifies a user when a submitted recording requests conflicts with
another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a
user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center as taught by Ellis for the benefit of providing the user with options in order to help facilitate managing the recording conflict.

The combination of Wagner, Hirata, and Ellis fail to specifically disclose validating that the recording device has sufficient memory to record the selected program.

In an analogous art, Westbrook teaches validating that the recording device has sufficient memory to record the selected program (¶ 0163 and 0169-0171). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include validating that the recording device has sufficient memory to record the selected program as taught by Westbrook to yield the predictable result of controlling the storage space so as to facilitate the remote recording request and ensuring there is sufficient memory to complete the request.

Regarding Claim 23 Wagner discloses a subscriber site for downloading a remote record request, comprising:

a recording device (110 – figure 2), including memory (Col. 5, lines 23-30);

an antenna that receives a broadcast stream including a packet containing a subscriber ID and a program code (Col. 5, lines 2-22 and Col. 8, lines 14-53), and

an integrated receiver decoder (IRD) (100 – figure 2) that checks the subscriber

ID against a stored ID (Col. 7, line 62 to Col. 8, line 16; Col. 9, lines 26-30; and Col. 8,

lines 37-46), and, if valid, tags the program code so that the recording device will record

the selected program (Col. 10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing a back channel; an IRD that checks for a time

conflict and checks for adequate memory and sending over the back channel either a

positive or negative verification response.

In an analogous art, Hirata discloses a subscriber site (1-1 – figure 1) for

downloading a remote record request comprising:

a back channel (Internet 4 – figure 1);

an integrated receiver decoder (IRD) that checks for a time conflict with previous

record requests (step 21 – figure 5) and, if valid, tags the program code so that the

recording device will record the selected program (Col. 6, lines 40-55 and Col. 9, lines

18-30), said IRD sending over the back channel either a positive verification response

(figure 7) that affirms receipt and execution of the remote record request (Col. 7, line 54

to Col. 8, line 4) or a negative verification response (figure 6) that rejects the remote

record request (Col. 6, line 40 to Col. 7, line 5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include sending a

verification response from the subscriber site to the subscriber's input device, said

verification response comprising either a positive verification response or a negative

verification response if not validated to reject the remote record request and display a

conflict message as taught by Hirata for the benefit of providing a user with confirmation

and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to

specifically disclose prompting the subscriber to override any conflicts that gave rise to

the rejection.

In an analogous art, Ellis discloses a method of notifying a user of a recording

conflict and presenting the user with display screens and selectable options to resolve

the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the

recording request cannot be validated and displaying a conflict message to prompt the

subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an

override message by selecting one of the options presented on the display (¶ 0160-

0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code

for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel

the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include prompts the subscriber to override any conflicts that gave rise to the rejection as taught by Ellis for the benefit of providing the user with options in order to help facilitate managing the recording conflict.

In an analogous art, Westbrook discloses an integrated receiver decoder (IRD) that checks for adequate remaining memory in the record device (¶ 0163 and 0169-0171). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include validating that the recording device has sufficient memory to record the selected program as taught by Westbrook to yield the predictable result of controlling the storage space so as to facilitate the remote recording request and ensuring there is sufficient memory to complete the request.

9.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner

in view Hirata and further in view of Ellis and further in view of Westbrook as applied to

claim 12 above, and further in view of Marolda.

        As for Claim 13, the combination of Wagner, Hirata, Ellis, and Westbrook fail to

specifically disclose validating that the selected program does not exceed a billing limit.

        In an analogous art, Marolda teaches validating that the selected program does

not exceed a billing limit (i.e., service provider 210 verifies that the subscriber has paid

for the recorded content by checking to see if the user is on the buddy list) (¶ 0051-

0054). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination of Wagner, Hirata, Ellis, and

Westbrook to include validating that the selected program does not exceed a billing limit

as taught by Marolda for the benefit of verifying the validity of the recording at the

broadcast center before transmitting the record request to the subscriber site.

10.   Claims 14-16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wagner in view of Hirata and further in view of Ellis and further in view of Goode.

        Regarding Claim 14, Wagner discloses a method of downloading a remote

record request (i.e., task) to control a recording device (100 – figure 2), comprising:

        using an input device (access device 218 – figure 2) to access a programming

guide (223 – figure 2 via website 216), select a program (225 – figure 2) and submit a

remote record request (220 – figure 2) including a program code and a subscriber ID

(Col. 6, line 60 to Col. 7, line 2; Col. 7, lines 13-26; and Col. 7, line 62 to Col. 8, line 13);

send the remote record request over a link (202 – figure 2) to a broadcast center

(200 – figure 2) (Col. 8, lines 32-40; Col. 9, lines 1-4; and Col. 10, lines 63-65);

validating the request to confirm the subscriber ID (i.e., validation is completed by

authenticating the user via the website 216 at sign in) (Col. 6, lines 35-47);

broadcasting the remote record request via a satellite (160 – figure 2) (Col. 8,

lines 32-40),

downloading the remote record request at a subscriber site (Col. 8, lines 41-53

and Col. 9, lines 26-62);

determining whether the remote record request is directed to the subscriber site

by comparing the subscriber ID to a subscriber site ID, and, if confirmed (Col. 7, line 62

to Col. 8, line 16 and Col. 9, lines 26-30);

validating the request to determine whether the selected program can be

recorded (Col. 10, lines 12-19); and

if validated, tagging the program code for recording on the recording device (Col.

10, lines 12-19).

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52).

However, Wagner is silent on disclosing sending a verification response from the

subscriber site to the subscriber's input device and displaying a conflict message to

prompt the subscriber to override any conflicts.

In an analogous art, Hirata discloses a method of downloading a remote record

request to control a recording device (1-1 – figure 1), comprising:

a subscriber using a subscriber input device (1-4 – figure 1) to select a program

and submit a remote record request (Col. 5, lines 10-18);

downloading the remote record request at a subscriber site (Col. 6, lines 18-20);

validating that the request to determine whether the selected program can be

recorded (s21 – figure 6) (Col. 6, lines 40-55);

if validated, tagging the program code for recording on the recording device and

sending a positive validation response (figure 7) to the subscriber (Col. 9, lines 18-30),

and

if not validated, sending a negative verification response (figure 6) that rejects the

remote record request and displays a conflict message (Col. 6, line 40 to Col. 7, line 10

and Col. 7, lines 54-66).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include sending a

verification response from the subscriber site to the subscriber's input device, said

verification response comprising either a positive verification response or a negative

verification response if not validated to reject the remote record request and display a

conflict message as taught by Hirata for the benefit of providing a user with confirmation

and status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a

user must submit an email to cancel a reservation before scheduling the new recording

reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is causing the conflict and then cancel the conflicting recording in order to allow the recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wagner and Hirata to include displaying a conflict message to prompt the subscriber to override any conflicts and submitting an override message to the broadcast center as taught by Ellis for the benefit of providing the user with options in order to help facilitate managing the recording conflict.

The combination of Wagner, Hirata, and Ellis fail to specifically disclose validating the request to confirm the subscriber ID and whether the selected program is included in a subscriber service package, if invalid sending a negative verification response from the broadcast center to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package.

In an analogous art, Goode discloses validating the request to confirm the subscriber ID and whether the selected program is included in a subscriber service package (step 326 – figure 3A) (i.e., video session manager 122 determines subscriber does not have a subscription for the selected service; ¶ 0046), if invalid sending (step 358 – figure 3C) a negative verification response (figure 8) from the broadcast center (video session manager 122 – figure 1) to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package (¶ 0051-0052). Goode discloses it is advantageous to a service provider to prompt a user to sign up for a service or subscription if the user is not validated for the service or the subscription, then the user is presented with an opportunity to purchase the requested subscription service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wagner, Hirata, Ellis, and Marolda to include if

either the subscriber ID or whether the request is included in a service package are not validated, the satellite broadcast center sends a negative verification response to the subscriber rejecting the request and prompting the subscriber to sign up for the required service package as taught by Goode to yield the predictable result of prompting a user to sign up for a service or subscription if the user is not currently signed up.

As for Claim 15, the combination of Wagner, Hirata, Ellis, and Goode disclose, in particular Wagner teaches the method of claim 14, further comprising: inserting the remote record request into an MPT packet; and inserting the MPT packing into a transport packet that is broadcast via the satellite (Col. 5, lines 10-22).

Regarding Claim 22, Wagner discloses a satellite broadcast center (200,202,210 – figure 2) for delivering a remote record request (i.e., task), comprising:

an I/O port (216 – figure 2) for receiving a remote record request including a program code and a subscriber ID (Col. 6, lines 4-42 and Col. 7, lines 13-19);

a bridge router (212 – figure 2) that for validated requests inserts the subscriber ID and the program code for into a MPT packet (Col. 7, lines 17-32 and Col. 8, lines 32-40); and

an uplink system (200 – figure 2) that inserts the MPT packet into a transport packet and transmits the transport packet to a satellite for transmission to a subscriber integrate receiver decoder (Col. 8, lines 2-53); and

Wagner discloses a subscriber can add a conflict resolution attribute to the

created task before transmitting the task to the set top box (Col. 7, lines 47-52). Wagner

further discloses a user must register with task service 210 in order to remotely

schedule tasks and to enable the set top box 100 to receive the transmitted scheduled

tasks (Col. 6, lines 4-16). However, Wagner fails to specifically disclose SBC comprising

a billing center, a validation switch, and a conditional access management center.

In an analogous art, Hirata discloses a conditional access management center

(CAMC) receives a verification response (figures 6 and 7) via a back channel (Internet 4

– figure 1) from the IRD (1-1 – figure 1) and forwards the response via the I/O port to

the subscriber input device (1-4 – figure 1), said verification response comprising either

a positive verification response (figure 7) if validated to affirm receipt and execution of

the remote record request (Col. 7, line 54 to Col. 8, line 4) or a negative verification

response (figure 6) if not validated to reject the remote record request (Col. 6, line 40 to

Col. 7, line 5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Wagner to include a conditional

access management center (CAMC) receives a verification response via a back

channel from the IRD and forwards the response via the I/O port to the subscriber input

device as taught by Hirata for the benefit of providing a user with confirmation and

status of a submitted remote recording request.

The combination of Wagner and Hirata disclose notifying a user of a conflict,

particularly Hirata notifies a user when a submitted recording requests conflicts with

another recording (figure 6). Hirata further discloses that in order to rectify the conflict, a user must submit an email to cancel a reservation before scheduling the new recording reservation (Col. 8, lines 10-44). However, the combination of Wagner and Hirata fail to specifically disclose CAMC providing a conflict message to prompt the subscriber to override any conflicts.

In an analogous art, Ellis discloses a method of notifying a user of a recording conflict and presenting the user with display screens and selectable options to resolve the recording conflict (¶ 0148).

Ellis teaches displaying a negative verification response (figure 25) if the recording request cannot be validated and displaying a conflict message to prompt the subscriber to override any conflicts that gave rise to the rejection (¶ 0160-0169).

Ellis further teaches the subscriber can view the conflict message and submit an override message by selecting one of the options presented on the display (¶ 0160-0163 and 0181).

Ellis teaches, if confirmed, and validated or overridden, tagging the program code for recording on the recording device (¶ 0163). Ellis teaches if the user selects to cancel the conflicting program, the new reservation will be recorded as planned by the recording device.

Ellis discloses it is advantageous to provide a user with a means to view a programming conflict message and select an option that will automatically resolve the conflict. This method facilitates allowing the user to complete the reservation for recording, without forcing the user to take the time to figure out which program is

causing the conflict and then cancel the conflicting recording in order to allow the

recording to be completed as scheduled (¶ 0146-0148 and 0160-0162). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the method of Wagner and Hirata to include CAMC providing a conflict

message to prompt the subscriber to override any conflicts as taught by Ellis for the

benefit of providing the user with options in order to help facilitate managing the

recording conflict.

Wagner discloses a user must register with task service 210 in order to remotely

schedule tasks and to enable the set top box 100 to receive the transmitted scheduled

tasks (Col. 6, lines 4-16). However, the combination of Wagner, Hirata, and Ellis fail to

specifically disclose SBC comprising a billing center and a validation switch.

In an analogous art, Goode discloses an SBC (122 – figure 1) comprising:

a billing center (125 – figure 1) having a record of subscribers and subscribed

services (¶ 0026 and 0046);

a validation switch (125 – figure 1) that compares the subscriber ID against the

record of subscribers and subscribed services to validate the remote record request (¶

0041–0046).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination of Wagner, Hirata, and Ellis to

include a billing center and a validation switch as taught by Goode to yield the

predication result of verifying a user is a subscriber of the required service and has paid

required fees associated with using the required service.

As for Claim 16, the combination of Wagner, Hirata, Ellis, and Goode disclose, in particular Wagner teaches validating the request to open the link to a satellite broadcast center (Col. 8, lines 2-53).

11.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Hirata and further in view of Ellis and further in view of Goode as applied to claim 14 above, and further in view of Westbrook.

As for Claim 17, the combination of Wagner, Hirata, Ellis, and Goode disclose, in particular Hirata teaches wherein the request is validated to determine whether the selected can be recorded by, checking for a time conflict with previous record requests (Col. 6, line 40 to Col. 7, line 2).

However, the combination of Wagner, Hirata, Ellis, and Goode fail to specifically disclose checking for adequate remaining memory in the record device.

In an analogous art, Westbrook teaches checking for adequate remaining memory in the record device program (¶ 0163 and 0169-0171). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include validating that the recording device has sufficient memory to record the selected program as taught by Westbrook to yield the predictable result of controlling the storage space so as to

facilitate the remote recording request and ensuring there is sufficient memory to complete the request.

12.   Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Hirata and further in view of Ellis as applied to claim 18 above, and further in view of Goode.

As for Claim 19, the combination of Wagner, Hirata, and Ellis disclose, in particular Wagner discloses the satellite broadcast network of claim 18, wherein the SBC comprises:

an I/O port (216 – figure 2) for receiving the remote record request (Col. 7, lines 13-19);

a bridge router (212 – figure 2) that for validated requests inserts the subscriber ID and the program code into a MPT packet (Col. 7, lines 17-32 and Col.8, lines 32-40); and

an uplink system (200 – figure 2) that inserts the MPT packet into a transport packet and transmits the transport packet to the satellite (Col. 8, lines 33-48).

Wagner discloses a user must register with task service 210 in order to remotely schedule tasks and to enable the set top box 100 to receive the transmitted scheduled tasks (Col. 6, lines 4-16). However, the combination of Wagner, Hirata, and Ellis fail to specifically disclose SBC comprising a billing center and a validation switch.

In an analogous art, Goode discloses an SBC (122 – figure 1) comprising:

a billing center (125 – figure 1) having a record of subscribers and subscribed services (¶ 0026 and 0046);

a validation switch (125 – figure 1) that compares the subscriber ID against the record of subscribers and subscribed services to validate the remote record request (¶ 0041–0046).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wagner, Hirata, and Ellis to include a billing center and a validation switch as taught by Goode to yield the predication result of verifying a user is a subscriber of the required service and has paid required fees associated with using the required service.

As for Claim 21, the combination of Wagner, Hirata, and Ellis disclose wherein the subscriber site sends a negative verification response to the subscriber input device rejecting the request and prompting the subscriber to override if either a programming conflict or the recording device's ability to record are not validated (Ellis – ¶ 0146-0148 and 0160-0164).

However the combination of Wagner, Hirata, and Ellis fail to specifically disclose wherein the SBC sends a negative verification response to the subscriber input device rejecting the request and prompting the subscriber to sign up for a required service package if either the subscriber ID or the required service package are not validated.

In an analogous art, Goode teaches wherein the SBC sends a negative verification response (i.e., system determines subscriber does not have a subscription

for the selected service; ¶ 0046) to the subscriber input device rejecting the request

(358 – figure 3C) and prompting the subscriber to sign up for a required service

package if either the subscriber ID or the required service package are not validated (¶

0051-0052). Goode discloses it is advantageous to a service provider to prompt a user

to sign up for a service or subscription if the user is not validated for the service or the

subscription, then the user is presented with an opportunity to purchase the requested

subscription service. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Wagner, Hirata, and Ellis to include

wherein the SBC sends a negative verification response to the subscriber input device

rejecting the request and prompting the subscriber to sign up for a required service

package if either the subscriber ID or the required service package are not validated as

taught by Goode to yield the predictable result of prompting a user to sign up for a

service or subscription if the user is not currently signed up.

(10) Response to Argument

1.   **Independent Claims 1, 12, 14, 18, 22, and 23**

a) Wagner teaches a One Way System with Pre-Determined Settings

In response to appellant's argument, see page 12, stating there is not only a lack of motivation to have a conflict message sent to the user, Wagner specifically teaches away from any system that uses a conflict notification message, the examiner respectfully disagrees.

Wagner fails to disclose a means to establish a return channel between the user's IRD 100 and the user's access device 218, but by no means should it be implied that there is not motivation to combine Wagner with a system that teaches an established return channel between a user's IRD and a user's access device.

Wagner discloses a conflict resolution attribute that resolves conflicts based on a set of rules (Col. 7, lines 47-52). An established set of rules for resolving conflicts may work in some instances for the user; however it would be advantageous if the user was provided with means to make a decision regarding a recording conflict on a case by case basis. This would allow a user to record a program from a remote location and if the program conflicted with a pending recording, the user would be provided with the opportunity to cancel the pending recording. Therefore, one would be motivated to combine a reference that discloses a return channel to an access device in order to resolve a recording conflict to facilitate a user recording a more desirable program than the currently pending recording.

To address appellant's statement that Wagner teaches away from any system that uses a conflict message, the examiner points out the fact that although Wagner fails to disclose a return channel and even discloses the user is not able to remotely

cause the set top box to establish the return channel (Col. 2, lines 39-46), it does not preclude Wagner from modification or teach away from providing a solution to the specific problem. However, when a user's IRD can establish a return channel as taught by Hirata, these teachings can be applied to Wagner as it would be advantageous to add a return channel to the system of Wagner so as to facilitate the user receiving a notification and learning of the conflict and then resolving the conflict. This method would be desirable so a user can set to record a more desirable program than the currently pending recording.

b) Hirata teaches a Two-Way System on the Same Channel

In response to appellant's argument, see page 13, stating there is no "back channel" that is used as a different communications system for sending the recording request and receiving the validation, the examiner respectfully disagrees.

The examiner first points out to appellant, independent claim 18, along with independent claims 1, 12, 14, 22, and 23, only require a back channel outside the satellite network connecting the subscriber IRD to the subscriber input device and said subscriber IRD sending a verification response via the back channel to the input device.

With this fact noted, Wagner discloses a system for sending a recording request through a broadcast center and transmitting the recording request to the subscriber's IRD 100 via satellite uplink 202 (Col. 6, line 4 to Col. 7, line 2). Thus Wagner discloses a system and method for submitting a remote record request using a subscriber input device, inserting the remote record request into a broadcast stream and downloading

the remote record request at a subscriber site (see final rejection). As previously stated,

Wagner fails to teach a back channel to send notification of a conflict.

Hirata discloses a system and method for sending either positive (see figure 7) or

negative (see figure 6) verification responses via a back channel (i.e., the Internet 4)

(Col. 6, line 40 to Col. 7, line 10 and Col. 7, lines 54-66).

Thus, combining Hirata with Wagner, you arrive at applicant's invention where

remote recording requests are transmitted through the broadcast stream and verification

responses are sent through the Internet. As disclosed by Wagner, the user's access

device 218 is Internet capable as the user accesses an EPG from a program guide

website (Col. 6, lines 43-62). Thus, the user would be able to receive e-mails at the

access device 218 from the user's IRD, where the e-mails comprise either a positive or

negative verification of the status of the remote recording request as taught by Hirata.

Appellant argues if Wagner and Hirata were combined, either all of the information

would travel on the satellite system or all of the information would travel on the Internet,

and this is just not accurate. The system of Wagner would continue to send remote

record requests through the broadcast stream as each time a user schedules a remote

scheduling task via the program guide website 216, the data is forwarded to the

notification service and then to the broadcast service 200. By modifying Wagner to

include a return channel to the system shown in figure 2, the subscriber's IRD 100

would have a means to communicate the status of the remote record request as taught

by Hirata.

c) The References Must be Viewed as a Whole

In response to appellant's argument, see page 14, stating Wagner's remote task scheduling is specifically configured for a unidirectional broadcast network and specifically teaches avoiding the use of a return channel, the examiner respectfully disagrees.

To address appellant's statement that Wagner is configured for a unidirectional broadcast network and specifically teaches avoiding the use of a return channel, it does not preclude Wagner from modification or teach away from providing a solution to the specific problem. Wagner teaches avoiding the use of a return channel only by stating the user is not able to remotely cause the set top box to establish the return channel. However, when a subscriber's IRD can establish a return channel with an access device as taught by Hirata, these teachings can be applied to set top box 100 of Wagner as it would be advantageous to add a return channel to Wagner's system so as to facilitate the user receiving a notification and learning of the conflict and then resolving the conflict, rather than relying on a set of preset rules. This method would be desirable so a user can set to record a more desirable program than the currently pending recording.

To address appellant's statement that the Wagner and Hirata references are incompatible, the examiner points out that although Wagner lacks a return channel for sending verification messages and discloses the subscriber's IRD has conflict rules stored, the subscriber's IRD is not precluded from modification. It would be advantageous if the subscriber's IRD 100 of Wagner was able to establish a return

channel with the user's access device so that the user could cancel a currently pending

recording as taught by Hirata.

Accordingly, Wagner, Hirata, and Ellis disclose each and every element of

independent claim 1 and independent claim 18. Dependent claims 2-4, 9-11, and 20 are

not believed to be allowable as set forth in the Final Rejection.

Accordingly, Wagner, Hirata, Ellis, and Westbrook disclose each and every

element of independent claim 12 and independent claim 23.

Accordingly, Wagner, Hirata, Ellis, and Goode disclose each and every element

of independent claim 14 and independent claim 22. Dependent claims 15 and 16 are

not believed to be allowable as set forth in the Final Rejection.

2.   Dependent Claims 5, 7, and 8

In response to appellant's argument, see page 15, stating Marolda does not

teach validation at two locations, the examiner respectfully disagrees.

Marolda teaches validating a portion of the remote record request at the satellite

broadcast center by verifying whether the scheduler is authorized to schedule a

recording for the recipient (¶ 0015 and 0037-0041), and validating another portion of the

remote record request at the subscriber site by verifying whether the received recording

request would cause a conflict, in which case the recording request would be rejected (¶

0024-0025 and 0043-0045).

Accordingly, Wagner, Hirata, Ellis, and Goode disclose each and every element

of dependent claim 5. Dependent claims 7 and 8 are not believed to be allowable as set

forth in the Final Rejection.

Accordingly, the combination of Wagner, Hirata, Ellis, Goode, Westbrook, and

Marolda disclose each and every element of dependent claims 6, 13, 17, 19, and 21

and are not believed to be allowable as set forth in the Final Rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/CHRIS PARRY/

Examiner, Art Unit 2421

Conferees:

/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421

/Chris Kelley/

Supervisory Patent Examiner, Art Unit 2424